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COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE

VALERIE W. WAKEFIELD and
HAROLD I. WAKEFIELD, Husband and
Wife,

No. 05-79

Plaintiffs,

vs.

JOY MINING MACHINERY COMPANY a
Division of Harnischfeger Industries, Inc.
and LARRY MEADE,

Defendants.

NOTICE OF REMOVAL

AND NOW, come the Defendants, Joy Mining Machinery Company, a Division of Harnischfeger Industries, Inc. and Larry Meade, by their counsel, Pietragallo, Bosick & Gordon, and file this notice of Removal pursuant to 28 U.S.C. § 1441. In support of this Notice of Removal, Defendants aver as follows:

1. The above action, docketed at No. 290-2005 in the Court of Common Pleas of Venango County, is a civil action brought by Plaintiffs against the named Defendants.
2. This action was commenced by the filing of a Complaint in the Court of Common Pleas of Venango County, Pennsylvania on or around March 7, 2005.
3. Service of the Complaint on Joy Mining Machinery Company, a Division of Harnischfeger Industries, Inc., was made on March 8, 2005.
4. Defendant, Larry Meade, has not yet been served, though he consents to the removal.
5. The Complaint sets forth Plaintiffs' causes of action against the Defendants which includes a claim brought pursuant to the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.* (a copy of Plaintiffs' Complaint is attached hereto as Exhibit "A").

6. The present lawsuit is removable from State Court to the District Court of the United States pursuant to 28 U.S.C. § 1441(a) as a matter over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331; federal question.

7. This removal is timely, being filed within thirty (30) days of receipt by Defendants, of a copy of the Complaint.

WHEREFORE, notice is given that this action is removed from the Court of Common Pleas of Venango County, Pennsylvania to the United States District Court for the Western District of Pennsylvania.

Respectfully submitted,



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